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09/613,514	07/10/2000	Wade C. Klosterman	27553	9602

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EXAMINER

MISKA, VIT W

ART UNIT	PAPER NUMBER
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2841

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 14

Application Number: 09/613,514
Filing Date: July 10, 2000
Appellant(s): KLOSTERMAN, WADE C.

Thomas B. Luebbering
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/9/2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that all claims stand or fall together. However, because appellant gives reasons for separate patentability of all the rejection groups, as set forth in 37 CFR 1.192(c)(7) and (c)(8), all claim groups are considered not to stand or fall together for purposes of this appeal.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

4,690,566

ROBERTSEN

368/108

(10) *Grounds of Rejection*

The rejection of claims 1-11 and 18 is withdrawn.

Appellant had withdrawn claims 12-14 from appeal in the prior brief of 1/21/2003.

The following ground(s) of rejection are applicable to the appealed claims:

Claims 12 (withdrawn by appellant) and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson. The reference discloses a timing device (up-down counter and inputs in Fig. 1) for timing discrete periods of time without reference to time of day, the length being settable to multiples of 30 minutes (col. 3, line 57), input device 10 for setting the period of time, measurement of the period of time being initiated automatically following setting of the timer (col. 4, lines 1-21), controller being gate 12 and the latch providing feedback signals relating to operation of the timer(i.e. when the timer is operating the feedback signals actuate the transducer to produce audible "clicks", see col. 4, line 54) , the alarm signal being the zero detect signal from the up-down counter fed to the tone oscillator (see col. 4, lines 44ff), and speaker referred to as "crystal audio transducer" in col. 4, line 51 for communicating the feedback and alarm signals.

Claims 13-14 (withdrawn by appellant), 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson. The half hour discrete time units by which the timer is incremented is clearly only exemplary (see col. 2, line 44). One of ordinary skill in the art would select a time period appropriate for the specific use of the device

(11) Response to Argument

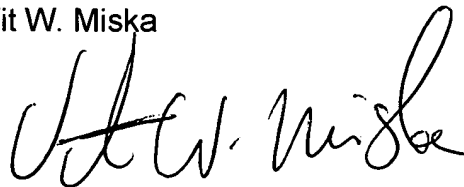
With respect to the rejection of claim 15, appellant's sole contention is that Robertsen does not disclose a speaker, as claimed (page 21 of the brief). However, as noted in the prior rejection, the patent refers to a "crystal audio transducer" at col. 4, lines 51-52. The term "speaker", another term for "loudspeaker", as recognized in the art, refers generally to "a device that converts electric signals to audible sound" ("loudspeaker": The American Heritage Dictionary, 1976). Thus, the crystal audio transducer of Robertsen is a specific type of audio transducer or "speaker" as claimed in claim 15. Appellant's specification fails to suggest any particular structure of the speaker which might exclude the crystal audio transducer of Robertsen.

Appellant's argument regarding claims 16 and 17 is based on the comments with respect to the patentability of claim 15, (page 31 of the brief) , and thus these claims are considered unpatentable for the reasons set forth in the prior rejection.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Vit W. Miska




VM
September 30, 2003


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